Previous references.

Same file, Sl: nos 3 to 5, B. September 1904

File No. 39 of 04-05.

1904

(-Court III)

Later references.

Same file, Sl: nos 9 to 10, and 13 to 14, B January 1905.

Cb 6-09 - 22

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 2, and 6 to 8.

PART B FOR November 1904.

SUBJECT.

Recoupment of Rs 488 drawn from the District Treasury Bangalore, on forged refund orders by Ranga Rao, late Head munshi of the Principal Munsiff's Court, Bangalore.

FILE No. 39 of 1904-05.

Recoupment of Rs. 488, drawn from the District Treasury, Bangalore, on forged refund orders by Ranga Rao, late Head Munshi, Principal Munsiff's Court, Bangalore.

1 From the Registrar of the Chief Court, No. 688—42, dated 29th July 1904.
States that there is no means of recouping the sum by reason of the Munsiff (Mr. Gopaliengar) not having used the necessary precautions to verify the refund orders, with the records of the cases before signing them, and requests the orders of Government in the matter.

2 To the Registrar of the Chief Court, No. 339—J., dated the 10th August 1904.
Requests him to obtain and forward to Government, the explanation of Mr. Gopaliengar, Munsiff, in the matter with the original papers connected with the transaction and the opinion of the Chief Court, as to the adequacy or otherwise of the explanation and to the extent to which the responsibility for the loss may be enforced on the officer or officers primarily concerned. (For Serial Nos. 3 to 5 *vide* B. September 1904.)

G. R. S. 58

6 From the Registrar of the Chief Court, No. 2258—122, dated the 7th October 1904.
Forwards the explanation of Mr. Gopaliengar with the original papers connected with the transactions in question. (Enclosures a memo of explanation and a file of papers.)

7 From the same officer, No. 2305—129, dated the 13th October 1904.
Requests that certain sentences of his previous letter, *viz.*, those relating to Mr. Atchyutha Rao's liability, may be omitted as the Chief Court do not wish to express any opinion on the point.

8 Government Proceedings No. J. 1268-70—C. 39-8, dated the 17th November 1904, to the Registrar of the Chief Court, Comptroller to Government and Secretary, State Life Insurance Committee, and Mr. P. S. Atchyuta Rao, Civil Surgeon, through the Senior Surgeon in Mysore.
States that it was Mr. Gopaliengar's not having used the necessary precuations to verify the refund orders with the records of the cases before signing them that led to the loss which the Government have had to sustain, that Mr. Gopaliengar is undoubtedly liable for payment of the loss, but that in consideration of the prompt measures which he took, the Government will give him credit for a sum of Rs. 172, ordered to be withheld from the bonus due to Ranga Rao, and that the balance of Rs. 316, should be recovered from him in instalments in accordance with the directions issued in Government Order No. J. 1372-3, dated the 5th March 1903, and calls upon Mr. Atchyutha Rao and Mr. Gopaliengar to submit explanations, the former as to his conduct in having paid away a sum of Rs. 300 to Ranga Rao's wife knowing from a letter written to him by Mr. Gopaliengar that it was the only sum that could be recovered from Ranga Rao and knowing further that Ranga Rao had been sentenced fine as well as imprisonment for an offence of forgery, the latter as to why he did not move the convicting Court to attach money in the hands of Mr. Atchyutha Rao at once for the recovery of the fine imposed on Ranga Rao.

G.R.S. 11] 1904.05

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 39.

FILE HEADING.

Recoupment of Rs 488/- drawn from the District Treasury, Bangalore, on forged refund orders by Ranga Rao, late Head Memshi, Principal Munsiff's Court, Bangalore.

From

The Registrar, Chief Court of Mysore.

No. 688/42 Dated the 25th July 05 Received 30th July 05.

Diary No. 1268	Enclos.	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Requests the orders of Government in the matter, as there are no means of recouping the sum by reason of the Munsiff (Mr. Gopalaiyar) not having used the necessary precautions to verify the refund orders with the records of the cases

NOTES AND ORDERS.

1. Ranga Rao was convicted of the forgery of refund orders and ultimately sentenced for the offence to one year's rigorous imprisonment & was also fined Rs 500/-. While under trial he sold his house for Rs 1600, of which Rs 1000 seems to have been distributed among his

NOTES—First sheet.

MGCPB—5,000—18-5-04

General and Revenue Secretariat.

File No. 39 of 1904-05.

Serial No.

creditors. It is also stated there was a Sum of Rs 300/- available for attachment immediately after Ranga Rao's Conviction & which ~~was omitted to be done by the Collector to be done~~ ~~has omitted to do so~~. The Sum is not now available and there is no other property out of which the Sum of Rs 688/- can be recouped: It is also asserted that the Munsiff. Mr. Govindayar did not use the necessary precautions to verify the refund orders with the records of the cases before signing them.

2. In connection with the misappropriation by the late Nazir of the Principal Munsiff's Court. it was ordered that the Sum misappropriated must be recouped from the officer or officers through whose want of care the misappropriation came to be committed

3.

Submitted just asking that the Munsiff explanation

NOTE—Contn. sheet.

MGCPB—10 000—19-5-04

G.R.S. 12]

General and Revenue Secretariat.

File No. 39 of 1904-05

Serial No.

may be taken down

rec 6/8/04 ptd 6/8/04 To Secy

Secy 8/8/04

2 To the Registrar, Chief Court No 335 S 10/8/04.

Requests him to obtain & forward explanation of the Explainer, Memoff. & the original papers connected with the transaction together with the opinion of the Chief Court as to the adequacy or otherwise of the explanation and to what extent the responsibility for the loss may be enforced on the officer or officers principally concerned.

Serial Nos 3 & 4 have been readed in D Sept 1904.

6. From the Registrar of the Chief Court No 2208/122 dated the 7th October 1904.

Forwards the explanation of Mr. Explainer with the papers connected with the transaction

7 From the same officer No 2305/129 of the 13th October 1904

MGCPB—10,000—19-5-04

General and Revenue Secretariat.

File No. 39 of 1904-05

Serial No.

Requests that certain sentences of the previous letter may be omitted.

5th The sum of Rs 4887- seems to have been drawn by 12 refund orders. of these 2 amounting Rs 15-2-0 are stated to be genuine and drawn during the presidency over the Principal Assistant Court, Mr Varadarajiengar. The Chief Court is of opinion that neither Mr Varadarajunjar nor his successor Mr Gopalsingar can be held responsible for this.

6. The amount drawn on the forged refund orders has been Rs 468-14-0. But the Registrar of the Chief Court having represented that a sum of Rs 172/- due on policies held by Bangalore Firm might be adjusted to be credited towards this amount, the Secretary of the Insurance Committee was requested vide this office No J 250-57 C-35-9 of 15th Sept 1904 to hold the said sum towards the adjustment of the total sum of Rs 488/- deducting

NOTE—Contn. sheet.

MGCPB—10,000—19-5-04

Serial No.

the Sum of Rs 172/- the balance that has to be made good is Rs 316/-

7. The Chief Court is of opinion that Mr. Spalinger should undoubtedly be held responsible for the fraud. At the same time they think that some consideration should be shown to him for the prompt measures he took to bring Ranga Rao to justice and when he discovered the fraud of Ranga Rao to realize the money of Ranga Rao amounting to Rs 300 in the hands of Dr. Hemyatha Rao.

8. As regards the genuine deposit orders, Mr Spalinger states, that the treasury officials who were acquainted with the fellow, who cashed them, had better chances of questioning him why a court official appeared to cash deposit orders prepared in the names of parties & payable to them.

Page 5 of his explanatory note

9 As regards the forged orders, Mr Spalinger states that he was misled by Ranga Rao having been assured by him that they were correctly prepared. They were brought for signature while Mr Spalinger was sitting in Court and were signed by him as Ranga Rao represented that the parties were wrangling & making noise in the Court & disturbing him. He had no reason to think that

Serial No.

Ranga Rao, an undergraduate, ~~was a respectable~~ was not trustworthy his behaviour having been respectable. 10. Mr Spaldingar states again that ~~there~~ no definite rule regarding the preparation or issue of refund orders exist and thus there is no means of checking their preparation or issue. An informal register had been kept up by Ranga Rao for his own information. ~~But that~~ This was not shown to Mr Spaldingar. This register, he states, enabled Ranga Rao to plot a novel method of cheating ~~Govt~~. He adds. that it would cause extreme inconvenience to the legitimate judicial work of a court, if a judicial officer has personally to satisfy himself about the correctness of every paper which he has to sign & prepared by a ministerial officer - He had not the least reason, he says, to suspect that money would be paid at the Treasury to any but the parties named in the refund orders or their pleaders, the amount due on the certificates not being payable to bearer or order. He states that he took the earliest steps to bring Ranga Rao to book when he was satisfied that Ranga Rao had

MGCPB—10,000—31-8-04.

Serial No.

his appropriated Government money

11. Mr Gopalaiyer further states that Dr Atchyuta Rao should be held responsible for an amount of Rs 308/- which he could have paid Govt., under the following circumstances.

12 Ranga Rao while in confinement sold his house to Dr. Atchyuta Rao for Rs 1600/- Rupees 300 of this sum was stipulated to be paid to one Doddaiyappa from whom Ranga Rao was stated to have borrowed the amount on a Pro Note. Mr Gopalaiyer very much doubts the bonafides of this transaction as Doddaiyappa stated in open Court that he had no money transactions with Ranga Rao. Besides, though the money was thus stipulated to be paid to Doddaiyappa, just after the conviction of Ranga Rao & on his requisition, this sum was handed over by the doctor Atchyuta Rao to Ranga Rao's wife, in defiance of the condition of the deed of sale & in spite of Mr Gopalaiyer's orders to withhold the sum for payment of Govt. towards the sum misappropriated by Ranga Rao.

13 Mr Gopalaiyer also adds that Dr. Atchyuta Rao is in possession of the receipts obtained from

MGCPB—10,000—31-8-04.

Serial No.

Digest

Ranga Rao's wife which, though actually dated the 4th March 1903, Mr Atchyutan Rao wrote to the Sub-Magistrate of Bangalore stating to be the 8th idem.

14 Under these circs Mr Sparlingar would hold Mr Atchyuttan Rao responsible for Rs 3000/- is Untold affair thus matter for further consideration whether Doctor Achutachar as a public servant of the State was not bound to comply with the requisition made to him demi officially by Mr. Sparlingar to withhold the payment of Ranga Rao's money in his hands to Ranga Rao's people

MR 7/11/1904

MR 1-11-04

16 There is some truth in Mr Sparlingar's plea that a Judicial Officer cannot, without prejudice to his work as such, always devote the time & attention necessary to satisfy himself about the details of the transactions in his Court. But such a plea has been definitely rejected by Govt in the Nelamangala defalcations case, and cannot be accepted in this instance. Again Mr S. no doubt deserves credit for the prompt steps he took to bring Ranga Rao to book; but a similar

H. H

MGCPB—10,000—31-8-04.

Serial No.

Consideration did not prevent Govt from assessing Mr Sivaprakasam Pillai (in the same case) with the full measure of the loss caused during his incumbency.

17 The Chief Court held that Mr Appaviya is "undoubtedly liable. ~~And~~ This view is accepted in the Memorandum I have put up, wherein the facts are fully set out.

18 Mr Achyuta Rao's behaviour, on which the Chief Court first remarked in adverse terms which were subsequently withdrawn, seems to require some explanation; and this is ~~adverted~~ dwelt upon in the last para of the Memo-

Recorded in B and Fwd 1-12-04

Lee 4-11-04

19 Submitted to the Devan Saheb thro' the 1st Councillor. Govt money must be made good. There is no help for it. When the amount misappropriated cannot be recovered from the ~~Govt~~ Offr that took it away, the head of the Office has to pay it as Lapse on his part & always the cause of misappropria-

948/5.11.1904

MGCPB—10,000—31-8-04.

General and Revenue Secretariat.

File No. 39 of 1904-05

Serial No.

The charge against Dr Achuta Row is that at the request of the Accountant General (not Court injunction) he did not withhold certain sums that were due from him & the person that took away the Govt money but Law of humble Opinion that he could not but pay the sum due from him & the delinquent & the party named by him. I do not know if he may be taken & have, in making the payment, colluded & acted dishonestly or fraudulently as he can scarcely be understood & have had the idea of defrauding the Govt. Some money was due from him & the delinquent Mr & as desired by him he paid it & his wife & innocently completely secure & himself the right to the property which he had bound himself to make the payment. The 5th para of the draft calls for some alteration I think.

5-11-1904

20

Do & agree that Mr Govindaraja

948
5-11-04

MGCPB—10,000—31-8-04.

General and Revenue Secretariat.

File No. 39 of 1904-05

Serial No.

is "undoubtedly liable" the Chief Court have added the words "if the Govt. think fit to order payment by him". They have also brought to notice the existence in favour of certain extenuating circumstances. Again, it was urged that the reference in the letter to Dr. Achyuta Rao is liable to be considered as deleted. They said that "on consideration they did not wish to express any opinion as to the liability of Dr. A. Rao but leave the matter to Govt".

2/ In these circumstances I prefer to hear Dr. Achyuta Rao's explanation before passing orders directing payment by him

NOTE.—Contn. sheet.

MGCPB—10,000—31-8-04.

General and Revenue Secretariat.

File No. 39 of 1904-05

Serial No.

Gopalaswamy The name in which Mr. Rao explanation should be called for are those noted in para 5 of the draft. The concluding portion of that para may however be modified in the manner I have suggested in pencil. As regards that para taken a more lenient view of Dr. Rao's conduct than seems justifiable.

7-11-04.

7.11.1904 Jo Dixon

9.11.04

2596/9.11.04

Proc No. J 1265-70 dt 17th Nov 1904. to the Registrar of the High Court, C 35-8 Manager & Secretary to the State Life Insurance Committee, & Mr P.S. Athyappa Rao, Civil Surgeon, thro the Senior Surgeon in Negapa-

Serial No.

States that it was Mr Spalding's not having used the necessary precautions to verify the refund orders with the records of the Case before signing them that led to the loss which the Govt have had to sustain; that Mr Spalding is liable in respect of the loss but that in consideration of the prompt measures which he took, the Govt will give him credit for Rs 172. added to the with held from the bonus due to Mr Rangaraos. and that the balance of Rs 316 should be recovered from Mr Spalding in instalments in accordance with the directions issued in Govt order No. J 1372-3 & 5/3/5 and calls upon Mr Atchyutha Rao & Mr Spalding to submit explanations, the former as to his conduct in having paid away a sum of Rs 308/-. the Rangaraos wife, knowing from a letter written to him by Mr Spalding that it was the only sum that could be recovered from Rangaraos & knowing further that Rangaraos had been sentenced to fine as well as imprisonment for an offence of forgery, & the latter as to why he did not move the Convicting Court to attach money in the hands of Mr Atchyutha Rao, otherwise for the recovery of the fine imposed on Rangaraos

MGCPB—10,000—31-8-04.

The first Councillor's pencil note on the issued draft :-

" I am afraid the issue of this order was
" a mistake all that was intended being that
" Dr. Achyuta Rao's explanation should
" be called for on the points mentioned in
" para 5 of the draft. Please see my note
" of the 5th instant

(Sd.) C.S.

16. 11-04

Both the Secretary & myself understood the draft to have been approved by the Dewan. The ink lines scoring out the last part of my draft are, I believe, in the writing of the Dewan, who has also added the last sentence to the draft.

Seen
15.11.04

Seen
15.11.04

948 I am still of opinion that a mistake has been made & all I wish to say is that it is regrettable. This may be removed

before the Dewan for
perusal. Q.

24-11-04

2988
24.11.04.

2989
Gen. Mr. Worlate
to send if a mistake
has been committed

29.XI

Seen, I see no
mistake in the
1.12.1904

Serial No 1

1268

No 688/42

Bangalore, 29th July 1904.

From

V. A. Rajaratna Mudaliar, Esqr.

Registrar, Chief Court, Mysore.

To.

B. K. Venkata Varadiengar, Esqr.

Secretary to the Government of Mysor

General and Revenue departme.I

Sir,

I am directed to state that Ranga Rao, late Head Munshi of the Principal Munsiff's Court, Bangalore, was, on the 28th February 1903 convicted by the Sessions Judge of Bangalore of the offence of forgery of refund orders and of fraudulently and dishonestly using them as genuine and was sentenced to rigorous imprisonment for four years and a fine of Rs. 1000/- On Appeal, the Chief Court affirmed the conviction, but reduced the fine to

Rs.

Rs: 500/-. The total amount drawn from the Bangalore District Treasury on the forged refund orders by the accomplices of Runga Rao, was Rs 488/- all within the space of 12 days, viz. between the 6th and 17th December 1902.

2. When Runga Rao was in the Central gail as an under-trial prisoner, he sold his house in the Basavanagudi Extension (his only property) to Dr: Achyuta Rao (Civil Surgeon of Mysore) for Rs. 1600/- by a Registered sale deed dated. 5th February 1903, and it was stipulated that Rs 1000/- should be distributed amongst some of Ranga Rao's creditors and the balance paid to him to defray the expenses of his defence.

3. The Principal Munsiff of Bangalore with the object, appa-rently, of making good the loss sustained by Government, sent a D. O letter on the 27th February 1903 to Dr: Achyuta Rao, informing

him

him of the charge against Ranga Rao and asking him to withhold the payment of any sum in his hands out of the Sale amount, and this was followed by an official letter of the 28th idem to the same effect; but Dr: Achyuta Rao paid away the balance due (Rs 300) to Ranga Rao's wife on the 8th March 1903 in accordance with Ranga Rao's request conveyed in a letter dated the 2nd Idem. The money in the hands of Dr: Achyuta Rao might have been attached immediately after Ranga-Rao's conviction on the 28th February 1903 in Execution of the fine warrant in the case, but this was not done.

4 The District Judge of Bangalore, then wrote to Dr: Achyuta Rao, asking him why he paid away the 300 Rupees to Ranga Rao's wife in Spite of the Principal Munsiffs request to withhold the same.—

Dr: Achyuta Rao replied that he did not see how he could withhold payment in the absence of any order of attachment.

5. The District Judge states that there is no other property out of which the fine of Rs 500/- inflicted on Ranga Rao may be recovered, and thus there is no means of recouping the loss sustained by Government by reason of the Munsiff (Mr: Gopaliengar) not having used the necessary precautions to verify the refund orders with the records of the cases before signing them.

I am to request the orders of Government in the matter.

I have the honor to be,

Sir,

Your most obedient servant,

Registrar

N. Rm

G.R.S. 26]

File No. 35 for 05

Serial No. 2

Diary No. of letter replied to

No. 339- (39 for 04-5)-2

9

General and Revenue Secretariat
(Courts)
, *the* 8/8/ 1904

Date of issue 10/8/04

Signed by for B K Venkeli Vara da Ayyar.

To

The Registrar of the
Chief Court of Mysore

With reference to his letter No. 688/42 dated the 29th July 1904, regarding the recoupment ~~stating that there is no means of recouping~~ of the sum of Rs 488- drawn from the District Treasury at Bangalore on forged refund advice by Ranga Rao, late Head Munshi of the Principal Munsiff's Court, Bangalore, ~~by reason of the Munsiff (Mr. Gopalaiyar) having used the necessary precautions to verify the refund advice with the records of the Case before signing them~~ and

over.

SUBJECT.

~~requesting the orders of Government in the matter~~, has the honor to request that ~~the~~ the Registrar will be so good as to obtain and forward the explanation of Mr. Spalenza Economoff in the matter, as well as the original papers, if any, connected with the transaction may be kindly forwarded ~~to him~~ ~~with the Opinion~~ for Secretary.

2. The first title be read as ~~at the same time~~ if the Chief Court will favour ~~the first~~ with their own opinion of the consequence of the explanation of what extent the responsibility for the loss may be enforced on the Officer & Officers primarily concerned —

8-8-1904

List of enclosures.

Copied by T.K.K. 9-8-04

Examined by R.M. 9.8.04

No 2258/122 Serial No 6 J 788

Bangalore,
7th October 1904.

From

V. A. Rajaratna Mudaliar, Esqr.

Registrar, Chief Court of Mysore.

To

B. K. Venkata varadiengar, Esqr.

Secretary to Government,

General and Revenue departments

Sir,

With reference to your No. X 339(39 of 04-5)-2 J dated the 9th August 1904 I am directed to forward the explanation of Mr. N. T. Gopaliengar, Principal Munsiff of Bangalore, together with the original papers connected with the transaction in question.

Of the refund orders cashed two were genuine. They were signed by Mr. Varada rajiengar, Mr. Gopaliengar's predecessor, and the amount drawn

therein

therein by the late Head Munshi Ranga Rao, through a gollar, was Rs 19-2-0. Neither Mr. Varada rajiengar nor the present munsiff can be held answerable for this. The amount drawn on ten forged refund orders was Rs: 468-14-0. The total loss to Government is thus Rs: 488. Towards these a sum of Rs: 172 being the insurance amount payable to Ranga Rao is available. If out of this latter sum Rs: 19-2-0 is deducted Rs. 152-14-0 can be set off towards Rs: 468-14-0 and the balance to be made good is Rs: 316

Mr. Gopaliengar is undoubtedly liable in respect of the ten refund orders signed by him without comparison with the original records if the Government think fit to order refund by him. At the same time this Court thinks that some consideration is due to him for the prompt measures he took

took when he discovered the frauds to bring Ranga Rao to justice and to realize money of Ranga Rao in the hands of Dr: Achyuta Rao. If the latter had behaved in the straight-forward and honorable manner which Government have a right to expect of their servants in regard to their interests, it is probable that the deficit would have been realized. It is for the Government to consider whether the deficit might not more properly be realized from Dr: Achyuta Rao than from Mr. Gopaliengar.

The chief Court have called that the bazaar may be enabled Vide dept's letter No. 2305-8/129 13-10-09.

I have the honor to be

Sir,

Your most obedient Servant,

Registrar

Mkw

Explanation submitted as per order of Govt. embodied in letter No. 339 (39 of 04-05)-2 J dated 9th August 1904 from the Secretary to the Govt. of His Highness the Maharaja of Mysore General and Revenue departments to the Registrar of the Chief Court of Mysore.

I have submitted in detail in my report No: A- dated 29th March 1903 how the late Head Munshi Ranga Rao cheated Government of Rs 488, by misappropriating the amount

No. 41 in the file.

11

drawn on 12 Refund orders - Of these two ✓ were signed by my predecessor Mr. Vanada Rajiengar. Instead of issuing them to the parties entitled to receive the same, Ranga Rao chh- -ed them through the dismissed peller - Kuppu Rao - The value of the two refund orders as already reported by me, is Rs 19/2 - I had no occasion to know that a number of Refund orders - which had been sign - ed by the presiding judge and which were ready for issue were not delivered to

to parties, till I exa-
mined the Head-
munshi's table and
pigeon hole. No-
pleader or party
ever complained to
me of such non deli-
-very. When I found
127 Refund orders in
the Head munshi's-
desk, Ranga Rao told
me that he could
not issue them as the
parties concerned
did not appear and
receive them. In
the other courts in
which I have work-
-ed, the practice
was to prepare the
refund orders only
on the appearance
-of

of parties. I was not aware that the refund orders were prepared in this court, without the appearance of parties and without their oral or written application, and that such refund orders were in the possession of the Head Munshi. I respectfully beg to submit that I could not possibly know that the Head Munshi was cashing genuine Refund orders through the court dollar. This would perhaps have continued had I not at once detected the malpractices of Ranga Rao. The

Treasury officials -
who were acquainted
with pollon Kuppu Rao
had better chances
to question him why
he, a court official,
appeared to cash
refund orders pre
-pared in the names
of parties and pay-
-able to them. —

Ten other refund
orders were forged,
and such forged
cheques were pres-
-ented at the Treasury
for payment by some
agent or friend of
Ranga Rao and money
received. The value
of the said ten refund
-orders

orders is Rs 468/14.-
As represented in
my report these ten
refund orders were
brought to me for
signature by late
Head Munshi Ranga
Rao personally, when
I was in the middle
of my court work.
I quite remember
that I asked him
to bring them for
signature after my
court work was over,
that I might compare
them with the records
and sign them. I
also told him that
I do not wish to be
disturbed when I
was going on with
some case in court.
-He

He informed me that
the parties entitled to
receive them were
waiting in the office
and were causing dis-
-turbance on account
of the delay in issuing
them. He assured me
that he had carefully
checked the Refund
orders with the re-
-cords and satisfied
himself about their
correctness. Some
of the Refund orders
were initialled by
the late Head munshi.
The others were not.
I am positive that
I asked him why he
had not initialled
them. He initialled
-some

some such refund
- orders in my presence
and said that he would
initial the others before
issuing them - I believed
him - I respectfully beg
to submit that the fact
that the refund orders
were forged escaped
my notice, not because,
I was negligent, or
did not know that I
had to check them with
the records, but be-
- cause, I was misled
by my Head Munshi.
From the time I came
to this court to the date
of defalcations it was
less than a month
and half. Within this
period I had reason
to think that the Head

Munshi.

Hd. Munshi was a
competent office man
He was an undergrad-
-ate. His education
and behavior made
me conclude that he
was a respectable-
man and trustworthy.
I trusted him when
he assured me that
he had satisfied
himself about the
correctness of the ten
forged refund orders
on each occasion
when he brought them
for my signature.
To my surprise and
disappointment I
subsequently found
out that my confi-
-dence was mis-
placed. —

There were no defi-
-nite rules regard-
-ing the preparation
or issue of refund
orders - The refund
certificate forms
were supplied in
loose slips of paper.
It was not necessary
to obtain any written
voucher for the deli-
-very of the Refund
certificates - A note
was being made by the
Judge for such deli
-very either in the
record or any where
-else: In this court
an informal register
had been opened,
as I subsequently
came to know, by the
H.S. Munshi for his
-own

own information.
He was the custodian
of such Register and
did not bring the exist
-ence of such a Register
to my notice. There
was thus, no means
of checking the prepar
-ation or issue of
Refund orders. Under
these circumstances,
Rangarao had the
facility to plot a
novel method of chea
-ting Govt., which would
perhaps have gone
on had I not taken
prompt action in
the matter. The Head
Munshi was the person
responsible for the
correct preparation
of Refund certificates

just as he was res-
-ponsible for the pre-
-paration of decrees
in suits. I came to
know that Ranga Rao
for the certificates
written up, along
with decrees, and got
them signed by the
judge with decrees
at the close or the begin-
-ning of the day's work.
I used to look into the
records when signing
the certificates before
or after my court work.
But I signed the 10-
forged refund orders,
when my attention
was engrossed other-
-wise in court work.

I respectfully beg
to state that if a
-judicial

Is there any express rule of practice to this effect?

judicial officer
cannot place any
reliance on the Head
ministerial officer
of the court and if
he has personally
to satisfy himself
about the correctness
of every paper which
he has to sign, it
would cause extreme
inconvenience to the
legitimate judicial
work of a court - In
the present instance,
the Hd. Munshi was
not directly incharge
of any cash - I had
not the least reason
to suspect, that money
would be paid at
the Treasury to any,
but the parties -
named.

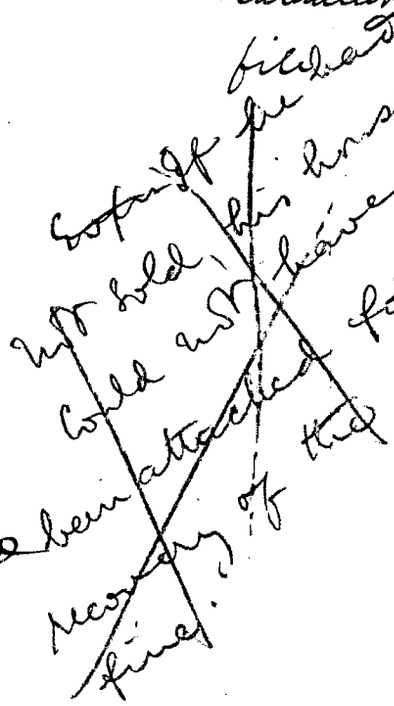
the work is as important as another.

named in the Refund-
-orders or to their
pleaders, the amount
due on the certificates
not being payable
to order or bearer.
I could not possibly
believe that any one
but the parties them-
-selves would apply
for refund, or that
any one but the right
parties would receive
the Refund certific
-ates. If the very person
who was the responsible
Head of the office, schemed
to cheat Government
and to mislead me,
I beg to submit that
there was no help,
till the malpractice
was discovered. When

-I.

I was satisfied that Ranga Rao had mis-appropriated Govt. money, and that he mostly employed the dismissed fellow Kuppu-Rao as his agent to cash the Refund orders, I proceeded against them first and placed them up on their trial. It was hard work for me for about a month to collect evidence against the accused persons. Kuppu Rao was discharged by the committing magist-rate, and Ranga Rao was committed to the Sessions, where he was convicted. The conviction was up-held

held by the Chief court but the fine was reduced to Rs 500, directing that the fine if recovered was to go to recoup the money lost by Government during the course of his trial Ranga Rao confessed that he had sold his house which was his only valuable property, while in custody as an undertrial prisoner to Dr. Achyut Rao for Rs 1600 of which he had received Rs 600 for his expenses in defending himself. He said that out of the balance he desired the purchaser to pay Rs 300 to one Rangappa from whom



whom he had recently
borrowed money-
This loan of Rs 300 was
set up by the accused
with a view to mislead
the court that he could
not have misappro-
-priated Govt: money
drawn on forged
Refund orders. Ranga
-Rao cited his so called
creditor Rangappa
as a witness for the
defence. This man
spoke out the truth
in court and denied
that any money was
due to him from the
accused. The theory
of the defence fell
through. I at once
represented to the
sessions judge that
this

copy of the statement
no. 38 in the file.

this amount of Rs 300,
which was with Dr.
Achyut Rao to the
credit of Rangappa,
might be ordered
to be withheld, as
Ranga Rao would
have to refund to
Govt. the money lost,
irrespective of his
conviction or other
-wise. But the sessions
judge felt that his
position as the judge
trying the case was deli-
-cate and directed me to
take what action was most
proper. I accordingly
wrote a D.O. (copy in
the file of correspondence) no. 35 in the list of papers.
on the very next day
after the date of trial
i.e, on the 27th February

03

603 to Dr. Achyut Rao,
requesting him to with
-hold payment of the
balance of the purchase
money - On the 28th idem
I also sent an official
Registered Letter No:
732/603 to Dr. Achyut Rao,
requesting him to -
withhold payment of
the balance of the pur
-chase money viz; Rs 1000,
as the Government had
been cheated of Rs 500
by Ranga Rao - I request
-ed him to await the
orders of the Chief
Court before he paid
away the same, and
also to await the deci
-sion of the Sessions
Court in Ranga Rao's
case - I reported these

No. 34 in the list.

facts to the chief court
on the 2nd March 1903
in my letter No: 735/605. no. 32 in list.
In the concluding portion
of my letter to the chief
court I requested that
they might be pleased
to forward my D.O.
and official letter to
the Magistrate having
jurisdiction to recover
the fine and that neces-
-sary action might be
taken. The chief court
directed me in docket-
No: 5050/3361 to communicate no. 31 in list.
all that I knew to the
district Magistrate
or the police. I did com-
municate what I knew
to Mr Sparkes in
my letter No: 763/627 dated no. 30 in list.
7th March. I find from
a

a note on the said letter
that Mr. Sparkes order
-ed the sessions court
warrant to be awaited
and then forwarded
the letter to the Amildar
of Bangalore on 18th
March 03. The district
Magistrate communi
-cated the result of the
action taken by the Amil
-dar to the sessions
court in his letter
No: 530 dated 22nd
October 03. I beg to
invite the attention of
Government to the con
tents of the district
Magistrate's letter,
wherein, Mr. Sparkes
states that Dr Achyut
-Rao said in his
letter dated 15th May 03
-that

No. 25 in Statistics

29 no Public

that he had already
paid away Rs 1000/- and
odd as per conditions
in the bond executed
by Ranga Rao, and that
he owed Rs 500 and
odd to Kote Manidamma
under a hypothecation
of the said house. The
district magistrate
says in the concluding
portion of his letter
that the amildar report
-ed in his letter no:
147 dated 29th August
03 that Dr Achyut
- Rao had purchased
Ranga Rao's house
with all the furniture
and other articles.
Dr Achyut Rao's letter
dated 15th May 03 is
in the file of the (correspondence)

no. 28 in the list

no. 27 in the list

correspondence here to attached - The Dr says that he paid Rs 1000 and odd as per <u>conditions in the bond.</u>

I underline advised - by the words "conditions in the bond". The copy of the sale deed exe- - cuted by Dr Achyut - Rao is to be found in the accompanying re- - cords - One of the conditions in it is that Dr Achyut Rao should pay Rs 300/- to Mandali Dod Rangapp towards the discharge of the promote given to him by Ranga Rao - Dr Achyut Rao did not stick to this condi- - tion - In my D.O. and

no. 40 in the list.

Registered official
letter no: 732/603 addressed
to Achyut Rao I made
no mention that Dod-
-Rangappa denied in
court that any debt was
due to him from Ranga
-Rao- Dr Achyut Rao
himself did not care
to make any enquiries
from Rangappa whether
any money was due to
him by Ranga Rao-.
Instead of paying-
Rangappa as per
conditions in the bond
he said he paid it
away to Ranga Rao's wife
for which he has
produced a receipt
dated 4th march 1903-
Dr Achyut Rao also
produced central
— jail

No. 29 in letter

jail forwarding note
No: 752 dated 2nd March
1903, as the authority
under which he paid
the sum of Rs 300 to
Ranga Rao's wife.—

no. 33 in the list

I sent a confidential
D.O. to the superinten-
-dant central jail
on the 7th November
'03 requesting to be
informed whether
convict Ranga Rao
had directed the pay
-ment of Rs 300 by Dr.
Achyut Rao by letter
addressed to him or
to any of Ranga Rao's
relatives to his (Ranga
-Rao's) wife or mother
-in-law— Mr. Hume
weight sent a reply
dated 9th November
—'03.

2 no. 18 in the list

no. 17 in the list

03 saying that a pay-
-ment of Rs 600 was all
that he could gather
from the statements
of the chief jailor or
from the Registers
kept in the central
jail - The forwarding
note no. 752 of the 2nd
March was not quoted
in Mr. Hume's weights
reply - Ranga Rao did
not say in the written
request under the
above forwarding note,
that his wife should
be paid Rs 300 because
Dod Rangappa had
denied that any thing
was due to him, but
asked Dr. Achyut Rao
to pay Rs 300 to his wife
or brother-in-law,
because

because he wanted
the same for his expen
-ses in appeal and
that he would pay
dod Rangappa when
he claimed the money
from him - Dr Achyut
-Rao did not take pre
-caution in the matter
of payment of Rs 300.
He never wrote to me,
or to the district court,
or to the chief court,
whether he could pay
-away the money due to
Ranga Rao, though he
was perfectly aware
from Ranga Rao's
own letter that he
had been convicted
by the Sessions court.
In his letter dt. 7th
december 1903 addressed
to

to m/r Vydyanathier city
Magistrate, & Achyut
-Rao stated that he had
reserved Rs 300/- out of
the purchase money
for payment to Dod-
-Rangappa, but that
he paid it over to Ranga
-Rao's wife as requested
by him and obtained
a receipt dated 8th March
1903. The receipt for
Rs 300 is dated not 8th
March 1903 but 4th March
'03. He further alleged
a payment of Rs100 to
one Seshachar. The
name of Seshachar
is referred to in the
Sale deed as a creditor
of Ranga Rao. It was
said that this man
was paid. His voucher
—was

No. 13 in the list

was obtained at once
from him for the alleged
payment. pleaders
Mr. Gangadharier
addressed a letter
to Dr. Achyut Rao on
the 14th February 1903
wherein he acknow-
-ledged the receipt of
Rs. 600 only by the hand
of one puttusamy, the
agent or servant of
Dr. Achyut Rao. pleaders
Gangadharier does
not refer to the pay-
-ment of any money
to Seshachar. However,
it appears from Ganga
-dharier's letter of
18th January 04, that
Dr. Achyut Rao wrote
to him to send Sesha-
-char's receipt for

no. 39 in list

no. 12 in list

for Rs 100, after the city
magistrate asked Dr.
Achyut Rao in his letter
of 3rd. December 1903 to
send his vouchers of
payments of money.
Gangadharier then said
in reply to Dr. Achyut
-Rao that money had
been paid to Seshachar
through Dr. Achyut Rao's
man Puttusamy. Sesha-
-char's receipt was
said to have been in
the custody of Puttusamy,
and as he was absent
from the station. Ganga
-dharier delayed
sending it. This receipt,
which is in the file
of correspondence
is dated 20th February
'03. It is not attested
by

no. 36 in the list.

by any witnesses - It
was not until the city
magistrate called for
all the vouchers in de-
-cember 03 that any
attempt was made
by Dr Achyut Rao to
get it. -

The city magistrate
was evidently satis-
-fied with Dr Achyut-
-Rao's explanation
and the vouchers and
wrote to the district
magistrate that no
further action was -
necessary in the case.
The acting district
magistrate Mr Chengia
-chetty was of a different
opinion and informed
the sessions judge that
Dr Achyut Rao had
- made

no. 9 in the list.

no. 8 in the list

made the payments
subsequents to the date
of receipt of my letter.
(vide his letter no: 1167
of- 24th February 04)-
The district judge
asked me to state what-
I had to say in reply to
the district magistrates'
letter. I represented all
that I had to say in my
letter No: B of. 7th march
04 addressed to the dist-
-rict judge. The district
judge after some corres-
-pondence again with
the district magistrate
of Bangalore, called for
Dr. Achyut Rao's expla-
-nation in his letter
No. 2259/5-57 dated 27th May
04. In reply Dr. Achyut-
-Rao sent his letter —
— dated

W8 in the list

no. 6 in the list

no. 3 in the list

no. 1 in the list

dated 1st June 04 - In the first para of his letter he threatened to take action against the person who called into question the bonafides of the payments made by him, and asked the district judge to inform him of his name. In the second para or Achyut - Rao said that he failed to see what legal right he had to withhold - payment to the parties to whom moneys were due I beg to submit that after Ranga Rao directed payment of the purchase money to certain men by a registered sale deed, he could not modify

the terms of the Registered
contract except by a-
registered document.
Ranga Rao's letter for-
-warded from the central
jail would not be ad-
-missible as legal evidence
to prove the modification
set up by Dr. Achyut Rao.
The alleged creditor Ranga
-ppa did not dispense
with the payment by means
of any letter addressed
to Dr. achyut Rao - In fact
Dr. Achyut Rao never con-
-cerned himself about
Dod Rangappa. Thus
Dr. Achyut Rao need not
have paid Ranga Rao's
wife and he would not
have incurred any-
damage by such non-
-payment - The d.o
and Regd. letters sent
by

by me in my official
capacity to be achyut-
-Rao were said to have
had no binding effect,
because I was interest
-ed in the prosecution.
I beg to represent that
the loss of Govt. money
could not be reported
to Govt. before the appeal
against the conviction
of Rangarao by the ses-
-sions court, was dis-
-posed of and before
the Chief court through
-ly investigated into the
matter. I thought that
it would take a long
time before the Govt.
was in possession of
the facts of the case
to take needful action
to recoup its loss.

— If

If Ranga Rao had not
sold his house the
property being im-
-moveable could not
have been attached
for the recovery of fine.
It was sold and money
was due from Dr. Achyut
-Rao. The sessions court
had not pronounced
judgment in the case.
I was anxious that
money would be paid
away if I did not take
immediate steps to
prevent it - Dr. Achyut
-Rao was beyond my
jurisdiction and beyond
the district and sessions
judge. I therefore
sent an urgent D.O.
and an urgent official
letter to Dr. Achyut Rao

and requested the
Chief court in my letter
No: 735/605 dy. 2nd March 03
to take what action was
most necessary in the
case - The Chief court
however directed me
to communicate with
the District Magistrate
or the Police and I did
so - Under the circums
-tances above mention
-ed, I respectfully beg
to state that I could
have done nothing more
than to request Dr.
achyut Rao to withhold
payment of the money
he had with him,
till the Government
claims were settled.
The Govt. does not

attach money or pro-
-perty except through
its officers - Dr. Achyut
- Rao, I believe, would
treat me as a respon-
-sible officer of Govt.
and communicate with
me or with my official
superiors to guard the
best interests of Govt.
There was nothing to
prevent Dr. Achyut Rao
to treat my letter no: 732/603 dated 28th February '03 — 84/34 ad-vi
as a prohibitory notice.
I beg to submit that I
have done my very best
to secure Rangarao's
money in the hands
of Dr. Achyut Rao and
that Dr. Achyut Rao
is answerable to Govt.
at least for the sum
— of —

of Rs 300/- paid away by him -

I found that Ranga -Rao had insured his life in the Mysore State Insurance - As he was dismissed from service he was entitled to a refund of Rs 172, being 50 percent of the premia paid by him - On my re-presentation the Sessions court claimed this amount towards the payment of the fine imposed on Ranga-Rao - The Insurance Committee declined to pay the amount as they considered that fine imposed by

(vide, Rule 10 Mysore State Insurance Rules -)

no. 46 in list

Vide copy of Pro. of the Mysore State Insurance committee d/. 26th February 04 annexed here with for ready reference.

by a magistrate or a
Sessions court was not
included in the term
Government dues as
prescribed in rule
23 of the above rules
I represented again
that the amount lost
to Govt. might be treat
-ed as the amount due
to Govt. by Ranga Rao.
I believe that a re-
-presentation has
been made to the
Govt. on the subject.
I respectfully beg
to request that I may
be excused for having
dwelt at length as to
how I strained every
nerve to protect the
best interests of Govt.
and how my efforts
have

no. 47 in the list
copy of my letter no. 164/25
D/6th and its enclosure
to the Dist. Judge.

have been thwarted.

In conclusion I beg to represent that Government may be pleased to view this case with indulgence

N. Yoganarasimhan

Principal Ayurvedic College

Bangalore

21/22 September

III ? Dec 1904
No 2385 (Courts) 5211

Serial No 7

J 818 51

Bangalore, 13th October 1904.

From

V.A.Raja Ratna Mudaliar Esquire,

Registrar of the Chief Court of Mysore,

To

B.K.Venkatavaradaiengar Esquire,

Secretary to Government, Gl. & Rev.Depts.

Sir,

Referring to this office letter No.2258/122 dated the 7th Instant I am directed to request that the last two sentences thereof beginning with the words "If the latter etc." may be considered as deleted, I am to add that the Chief Court on consideration do not wish to express any opinion as to the liability of Dr.Achyuta Rao but leave the matter to Government.

I have the honor to be,

Sir,

Your Most Obedient Servant;

V. Raja Ratna Mud...

REGISTRAR.

nim

52

G.R.S. 28]

File No. 39
Serial No. 8

Diary No. of letter replied to _____

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
(Courts

, *the* 17/11/04 190 04

Date of issue 17/11/04

Signed by Mr. K. S. Chandra-
sekhara Aiyar

READ.—

Correspondence ending with
letter No. 2305/129 dy. the 13th Oct. 1904
from the Registrar of the Chief
Court of Mysore, reporting, for the
orders of Govt., the particulars of the
amount (Rs. 488-8) embezzled by
Ranga Rao, late Head Accountant
~~ORDER THEREON.—No.~~
of the Sheristadar Mr's Court, Bangalore
who has been
~~X~~(dismissed) convicted & sentenced to a term
of rigorous imprt & fine, & submitting
the explanation of the presiding Officer
Mr N. T. Ramalingam

Rdy

over

SUBJECT

Copd: V. Sh. R. 16—11—04.
Secund: N.R. 16-11-04

Draft for Mr. [illegible]

MGCPB—5000—21-6-04

53

Order thereon of 1268-70 C.34-8 of 17/11/04

Ranga Rao, late Head Munshi of the Principal Munsiff's Court, Bangalore, misappropriated a sum of Rs 488 drawn on twelve refund orders, of which two, for Rs 19-2-0, were genuine, and the rest, for Rs 468-14-0, were forged. It is the liability for the reimbursement of the latter sum that is now in question.

2. The Munsiff, Mr N.J. Appalaraja, explains that the forged refund orders were brought to him by Ranga Rao for signature when he was in the middle of his Court work, and that he signed them after some demur, and on the Head Munshi's representing that the parties concerned were clamouring for payment and on his assurance that the orders were correctly prepared.

of the presiding Munsiff

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

Mr. Spaliengar puts forth two lines of justification, which, it is believed, are mutually inconsistent; firstly, that there was no means of checking the preparation or issue of the repeat orders; and, secondly, that the fact of the 8 repeat orders being forged escaped his notice, not because he was negligent, or did not know that he had to check them with the records, but because he was misled by the Head Munshi. He further urges that "if a judicial officer cannot place any reliance on the head ministerial officer of the Court, and if he has personally to satisfy ~~them~~ himself about the correctness of every paper which he has to sign, it would cause extreme inconvenience to the legitimate judicial work of a Court."

3. Govt have already ruled[x], in a similar instance, that such an excuse cannot be accepted, that the presiding officers of Courts cannot be absolved from the liability attaching to them in respect of embezzlements due to their omissions

[x] Vide Govt order no J. 1372-395 dated 4th March 1903. Flag A.

to exercise adequate control and check over the transactions and accounts of their Courts; and that the plea that such an officer, because he has heavy work of one kind, to do, should be ~~can~~ be exculpated for neglecting other work, is inadmissible.

In the present instance, it was the Municiff's duty to have exercised the same care with regard to the preparation of the refund orders as he would have done with regard to that of decrees. As pointed out by the Chief Court,× it was Mr Spalding's non-having used the necessary precautions to verify the refund orders with the records of the cases before issuing them that led to the loss which the Govt have had to sustain and in respect of which, therefore Mr Spalding is "undoubtedly liable."

× Vide para 8 of the Repts Letter No 68 S/422 dd 29-7-04.

4. In consideration, however, of the fact that the Municiff took prompt measures, when he discovered the frauds, to bring them to justice and to endeavour to realise money of the Caller in the hands of Mr Achyuta Rao, the Govt are willing to give him credit for the sum of Rs 172

Quoted from the Repts Letter No 115 S/122 dd 7-10-04.

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

G. No 4 Pt. No 39 Pt V

Which the Secretary of the State Life Insurance Committee has already been directed, in Govt Order No. J. 750-1 C. 394 of the 19th Sept. 1902, to withhold from the bonus due to Ranga Rao towards the adjustment of the Estd Account misappropriated, Rs Rs 488. The said sum of Rs 172 will now be finally applied in reduction of the misappropriated amount, and the balance of Rs 316 will be recovered from the salary bills of Mr Ispaliengar in monthly instalments in accordance with the direction issued in the case alluded in para 3 supra.

Flag A.

5. As regards the conduct of Mr P. S. Atchuta Rao, Civil Surgeon of Mysore, in paying away to Ranga Rao on the 4th March 1903 a sum of Rs 300 the price of the carriage which might otherwise have been attached & fallen in realisation of the fine imposed on him, the Govt. will not at this stage express a decisive opinion. The letters of warning addressed to him by the Municipal Mem-

57

on the 25th and 28th February 1903, no doubt, did not operate as a legal attachment of the money in Mr Achyuta Rao's hands since the Manager had no jurisdiction to take proceedings for the recovery of the criminal fine. ~~But if, as alleged, Mr Achyuta Rao knew, when he paid away the sum, that Ranga Rao had been convicted & sentenced to a fine as well as imprisonment, and if~~ However, it be a fact that a different disposal of the money in question had been stipulated for in a written instrument between Mr Achyuta Rao & Ranga Rao, but that, nevertheless, Mr Achyuta Rao departed from it on a subsequent request of the latter, as would appear, he was aware, from the Gopalaiyan's letter to him of the money to Ranga Rao's wife, that Ranga Rao had been sentenced to a fine as well as imprisonment, and that this was the only property of the convict that could be available for payment recovery of the fine, then ~~circumstances would arise~~ implicating Mr Achyuta Rao ~~and~~ behaviour perilously near that ~~of~~ which is made punishable by section 206 of the Indian Penal Code, Vz. the fraudulent

This is stated in Mr Gopaliya's letter to Mr Achyuta Rao.

the matter would seem to a person a somewhat dubious aspect before passing orders however good desire

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

delivery of property with intent to prevent the same from being taken in satisfaction of a fine under a sentence which has been pronounced or is known to be likely to be pronounced by a Court of Justice.

The position being thus a very serious one, the Government desire to afford Mr Achyuta Rao an ~~full~~ opportunity of ~~explaining~~ tendering a full and frank explanation of the suspicious features in the case, before taking final action in the matter. This explanation should be submitted direct to Govt. within a month of the receipt of this order.

to afford Mr Achyuta Rao a full explanation of the transactions mentioned above. The explanation should be submitted within a month of the receipt of this order.

Now again maybe asked whether Mr Achyuta Rao should be paid the money in the hands of the Revenue Court

To Mr P. S. Achyuta Rao Civil Surgeon Mysore through the Senior Surgeon & Sanitary Commr

To the Registrar of the Chief Court of Mysore
The Comptroller Mysore Govt.
Mr P. S. Achyuta Rao Civil Surgeon Mysore through the Senior Surgeon & Sanitary Commr

Keep enclosures here for the present.

Sent 4-11-1904